

Jamie Rucker (JCR 6767)
National Labor Relations Board
Region 2
26 Federal Plaza, Room 3614
New York, New York 10278
(212)264-0300

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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CELESTE J. MATTINA, Regional Director,
Region 2, National Labor Relations Board,
for and on Behalf of the NATIONAL
LABOR RELATIONS BOARD,

Petitioner,

-against-

08 Civ. 03332

SAIGON GRILL GOURMET RESTAURANT, INC. &
SAIGON SPICE, INC. d/b/a SAIGON GRILL
RESTAURANT,

J. Chin

Respondent.

ECF

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AFFIDAVIT

County of New York)
) SS
State of New York)

I, Jian Yun Chen, being duly sworn, do hereby affirm as follows:

1. I currently work as a delivery person for Saigon Grill Restaurant ("Saigon Grill" or "the Restaurant"), located at 620 Amsterdam Avenue, New York, New York.
2. I used to work at Saigon Grill from around 1999 until about March 3, 2007, when I was fired, along with approximately twenty-one other delivery workers. At the time I was fired, I worked from 11:00 a.m. to 11:30 p.m., Monday through Friday, and from 5:00 p.m. to 11:30 p.m. every Saturday and Sunday.

3. I returned to work about five weeks ago. Since I have returned to work, my work schedule has been from 5:30 p.m. to 10:00 p.m., Thursday through Tuesday.

4. There are at least seven other delivery workers, besides me, currently working at the Restaurant. Five of those individuals were working at the Restaurant in March 2007, before the Restaurant fired all its delivery workers. Four of those five are Lia Qiang Lin, Yu Ming Yu, Guo Jin Chen, and Quo Jing Liu. I do not know the name of the fifth person.

5. The other two delivery employees are new hires; they did not work for the Restaurant prior to March 2007.

6. Quo Jing Liu, the former employee whose name I do not know, and the two new hires are not members of Local 318 Restaurant Workers Union ("the Union"). I do not know whether the former employee whose name I do not know is a participant in the wage and hour lawsuit against the Restaurant, but I know that Quo Jing Liu and the two new hires are not participants in that suit.

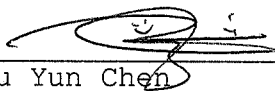
7. During the past few weeks, I have spoken to Quo Jing Liu about his work schedule. He has told me that works from 11:30 a.m. to midnight four days a week and from 4:00 p.m. to midnight the other three days of the week, for a total of 74 working hours each week. Quo Jing Liu has told me that he only punches in and out on his time card for 40 of those hours and that the rest of

the time he is working "off the clock."

I have read this statement of 3 pages, including this one, I fully understand its contents, and I certify that it is true and correct to the best of my knowledge and belief.

Jian Yun Chen

I am fluent in English and Mandarin Chinese and I certify that the foregoing is an accurate and faithful translation of the April 21, 2008 affidavit of Jian Yun Chen.



Su Yun Chen

Sworn to before me at
26 Federal Plaza, Room 3614
New York, New York this
21st day of April 2008

Jamie Rucker, Board Agent,
National Labor Relations Board

宣誓书

我, 陈建云, 正式发誓和特此肯定以下内容:

- ① 我现在 Saigon Grill Restaurant ("Saigon Grill" 或 "the Restaurant") 里面上班, 我的职位是送餐。餐馆的地址是 620 Amsterdam Avenue, New York, New York.
- ② 我以前从 1999 年^{开始}在 Saigon Grill 上班直到 2007 年的 3 月份。当我^被被解雇的时候, 有其他大约 21 位送餐员一起被解雇。在我被解雇之前, 我^的的工作时间是星期一到星期五, 早上 11 点到晚上 11 点半, 星期六和星期日是下午 5 点到晚上 11 点半。
- ③ 我是从大约 5 个星期之前回去上班的。自从我回去上班, 我的上班时时间变成从星期四到星期二, 从下午 5 点半到晚上 10 点。
- ④ 现在除了我以外, 现在在餐馆里上班的至少有其他 7 个^送送餐员。其中有 5 个在餐馆还没有解雇全部的送餐员之前, 他们还在餐馆里上班。那是在 2007 年的 3 月份。这 5 个送餐员当中的四个是林礼强, Yu Ming Yu, Guo Jin Chen, 和 Quo Jing Liu。我不知道第五个送餐员的名字。
- ⑤ 另外 2 个送餐员是新请的。他们在 2007 年 3 月份之前不在餐馆里上班。
- ⑥ Quo Jing Liu, 和我不知道名字的旧员工还有那两个新请来的都不是当地 318 餐馆员工工会 ("工会") 的成员。我不知道那个不知名的旧员工是否参与告餐馆的工资和超时, 但我知道 Quo Jing Liu 和那两个新请来的员工是没有参与那个诉讼。
- ⑦ 在过去的这几个星期, 我有跟 Quo Jing Liu 谈到他的工作时间表。他告诉我, 他^有四天上班是从早上 11 点半到晚上 12 点, 有另外的 3 天上班时时间是从下午 4 点到晚上 12 点。一共上 74 个小时的班。Quo Jing Liu 告诉我他只打卡到 40 个小时, 那剩下的工作^时时间是没有正式记录。

我有读了这包括这张纸, 一共有 3 张纸的声明书。我完全明白这里的内容。⁵⁰从我所知道的和我所信的, 我证实这里面的内容是真实的, 正确的。

CHEN Jianyun
Jian Yun Chen

Swear to before me
this 21st day of April 2008
at 26 Federal Plaza, Rm 3614

[Signature]